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# 4B

## Information

### *Professional Practices Committee*

#### **Workload Report Regarding the BSA Audit Recommendations**

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**Executive Summary:** This agenda item provides an update to the Commission on the April 7, 2011 Bureau of State Audits' Audit of the Division of Professional Practices (DPP); the Commission's response to the Audit as well as an update on staff progress in addressing the recommendations; and a report on DPP's current workload.

**Recommended Action:** For information only

**Presenter:** Nanette Rufo, Director, Division of Professional Practices

**Strategic Plan Goal: 1**

**Promote educational excellence through the preparation and certification of professional educators**

- ◆ Evaluate and monitor the moral fitness of credential applicants and holders and take appropriate action

December 2011

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# Workload Report Regarding the BSA Audit Recommendations

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## Introduction

This agenda item provides an update to the Commission on the April 7, 2011 Bureau of State Audits' Audit of the Division of Professional Practices (DPP) and of the Office of Human Resources, and also provides the Commission's responses to the Audit recommendations. This agenda item presents the October 2011 DPP workload reports. The November reports will be posted once they are available.

## Audit Update

On April 7, 2011 the California State Auditor issued a report entitled "*Despite Delays in Discipline of Teacher Misconduct, the Division of Professional Practices has not Developed an Adequate Strategy or Implemented Processes That Will Safeguard Against Future Backlogs*". The audit identified eleven recommendations. The initial update was presented to the Commission at the June 2011 Meeting (<http://www.ctc.ca.gov/commission/agendas/2011-06/2011-06-2H.pdf>).

On Monday, June 6, 2011 the required sixty day response was submitted to the Bureau of State Audits (BSA), followed by the six month report on October 5, 2011. On October 7, 2011 CTC management staff met with representatives of the BSA to discuss the report and to respond to any questions from the auditors. According to BSA staff, that office will submit a report to the Legislature in February 2012. That means that information going to the Legislature in February 2012 will be based on the six month report. Information from the one-year-report CTC will submit to BSA will then be included in BSA's February 2013 report to the Legislature.

As part of the response to the audit, staff scheduled two meetings for stakeholders. A stakeholder planning group was formed with five groups to assist in the planning process, the California Teachers Association (CTA), California Federation of Teachers (CFT), the California School Boards Association (CSBA), the California Association of School Administrators (ACSA) and the California County Superintendents Educational Services Association (CCSESA). The meetings were held on October 28, 2011 and November 18, 2011. Staff will prepare an agenda item for the January 2012 Commission Meeting with information gathered from the stakeholder meetings.

Following is a description of staff analysis of issues and related actions that fall within major areas of the report:

- 1. Individuals for whom the Commission needs subsequent misconduct reports.** The Department of Justice (DOJ) currently provides copies of the "Reports of Arrest and Prosecution" (RAP) for all individuals who currently hold or have ever held a teaching/services credential, a 30 day substitute permit, and/or a certificate of clearance or who have submitted fingerprints to the Commission in preparation for applying for a credential or certificate of clearance. If the Commission receives RAPs for only those

individuals who are currently authorized to provide service in the public schools, the division's RAP processing workload would be significantly reduced. (BSA Recommendation 1)

2. **Legality of the Committee of Credentials (COC) delegating its discretionary authority to staff.** Once an opinion is received from the Attorney General, we will take the steps necessary to comply with the Attorney General's advice and undertake all necessary procedural and statutory changes to increase the number of cases the COC can review each month. (BSA Recommendations 4 and 5)
3. **Division of Professional Practices. The audit recommendations highlighted several areas of concern regarding how reports of misconduct are handled and followed up.** The auditors indicated that the processing of reports of misconduct must be analyzed and clear criteria and procedures must be developed for timely, accurate processing of all reports. The procedures need to be documented and centrally located, staff needs to be trained on the procedures, and an oversight system must be developed to ensure that the procedures are followed. Incoming reports of misconduct must be entered into a database and each report must be monitored as the discipline process is followed with triggers in place to move mandatory actions forward immediately and with attention to tracking cases by type, the person(s) responsible for the case, length of time at each stage of review, reasons for delays and final disposition. The data needs to be complete, accurate and consistently entered into the database. An oversight process needs to be developed to ensure the accuracy of data entered into the database and to provide data in a form useful as a management tool. The time elapsed in the processing of misconduct needs to be reduced, including making prompt requests for information from law enforcement agencies, courts, schools, and knowledgeable individuals. Once clear division procedures with expected timelines are in place, data must be collected to identify the staffing levels necessary to accommodate the workload. The strategic plan for the division needs to be reviewed and revised to identify the programmatic, organizational, and external challenges that face the division and the COC. While not included in the BSA recommendations, the early pursuit of information related to more serious cases should be examined. (BSA Recommendations 2, 3, 6, 7, 8, and 9)
4. **Office of Human Resources.** The auditors indicated that information about staffing and about staff concerns must be clearly documented, current, and shared with the appropriate staff at the appropriate intervals. This includes information on 1) hiring and promotions, 2) making sure supervisors and managers are appropriately documenting their hiring processes, and 3) ensuring that staff understands the grievance and EEO complaint processes. (BSA Recommendations 10 and 11)

Information on the specific actions taken to date related to the audit report is provided in the Appendix.

**DPP Workload Update**

Staff fine-tuned the DPP Monthly Activity Summary reports provided to Commissioners and added additional information on DPP's workload. These reports include a detailed look at the COC workload including all Open Cases by Status and Type (Chart 1); monthly RAPs Received and Processed (Chart 2); and a report on the Closed Cases (Chart 3); Charts 4a and 4b on the aging of cases; and a chart showing the number and types of cases considered by the COC through October (Chart 5).

The workload shown in Chart 1, page 4, is organized by cases preparing to go to the COC in blue, cases that are currently in the COC review phase in yellow and cases that are post-COC review in green. As staff continue to make progress and gain efficiencies in the area of identifying and processing pre-COC cases, the COC workload is likely to continue to grow as there are only a finite number of cases that can be heard by the COC each month.

Chart 1:

## DPP Monthly Activity Summary

### Activity During October 2011

#### Pre COC

##### Work Received in DPP

|              | Items Rec'd  | Cases Opened |
|--------------|--------------|--------------|
| RAPs*        | 524          | 157          |
| Apps*        | 1,124        | 278          |
| SD Reports * | 26           | 51           |
| Misc *       | 7            | 10           |
| <b>Total</b> | <b>1,681</b> | <b>496</b>   |

\* Work related to cases opened may have been received in a prior period

##### Document Requests

|        |     |
|--------|-----|
| Arrest | 179 |
| Court  | 526 |

#### COC Inventory

|                |     |
|----------------|-----|
| Initial Review | 50  |
| Formal Review  | 58  |
| Consent Review | 207 |

#### COC Work Completed (October 2011)

##### Cases to COC

|                 |     |
|-----------------|-----|
| Initial Review  | 53  |
| Formal Review   | 67  |
| Reconsideration | 1   |
| Consent Review  | 210 |

##### Cases Completed

|                 |     |
|-----------------|-----|
| Closed          | 77  |
| Granted         | 161 |
| Adverse Actions | 62  |

#### Post COC

|            |    |
|------------|----|
| Settlement | 1  |
| AG         | 3  |
| CTC        | 47 |

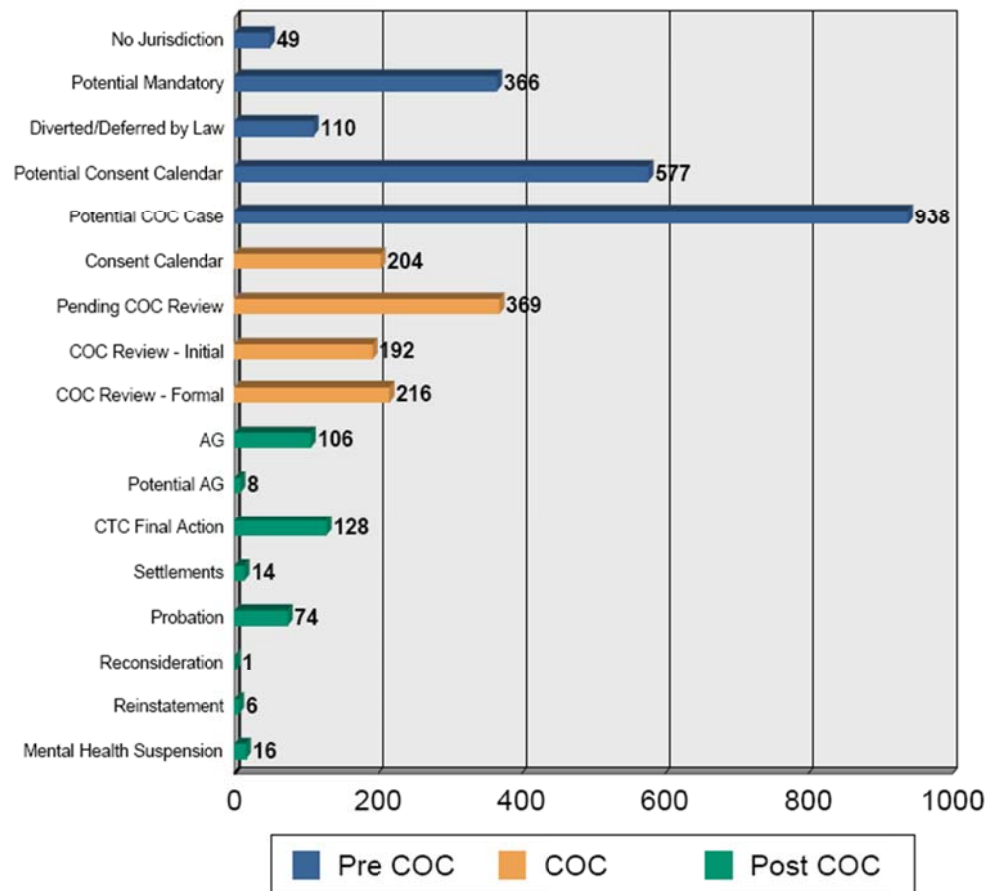
#### Mandatory Actions

|                       |    |
|-----------------------|----|
| Revocations           | 12 |
| Denials               | 1  |
| Automatic Suspensions | 6  |

#### Inventory for October 2011

|                    |       |
|--------------------|-------|
| Starting Case Load | 3,240 |
| Cases Opened       | 496   |
| Cases Closed       | 362   |
| Ending Case Load   | 3,374 |

### Open Cases by Status and Type as of October 31, 2011



|                         |              |
|-------------------------|--------------|
| Pre COC                 | 2,040        |
| COC                     | 981          |
| Post COC                | 353          |
| <b>Total Open Cases</b> | <b>3,374</b> |

Chart 2 shows all RAP sheets received in the month of October 2011. This report now presents the workload in a sequential organization with the yellow rows showing the RAPs that do not lead to a case, the red rows are the RAPs which are affiliated with an existing case and the green rows show the RAPs that lead to a new case. The labels for the rows in this report were also modified to more clearly describe the type of category of RAPs received.

**Chart 2:**

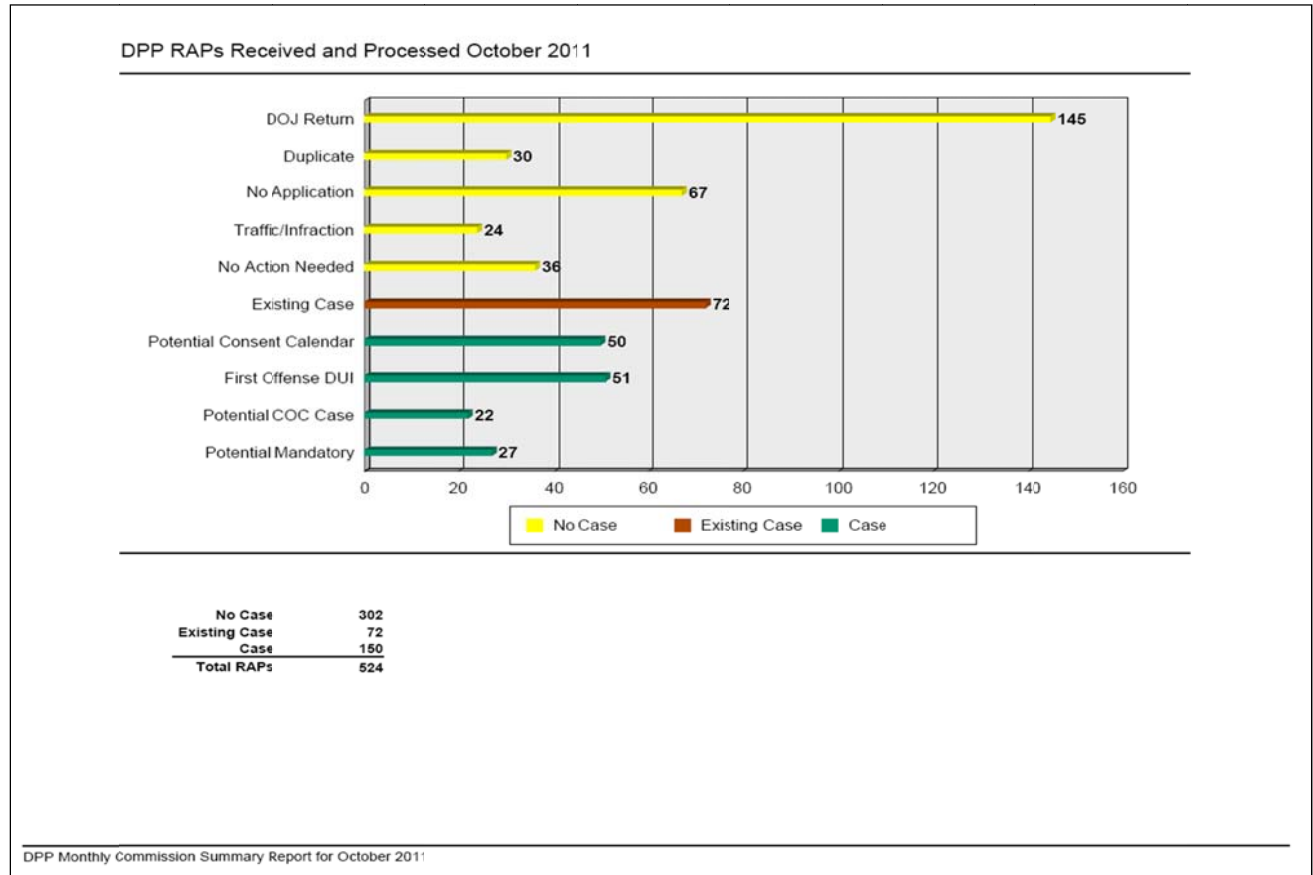
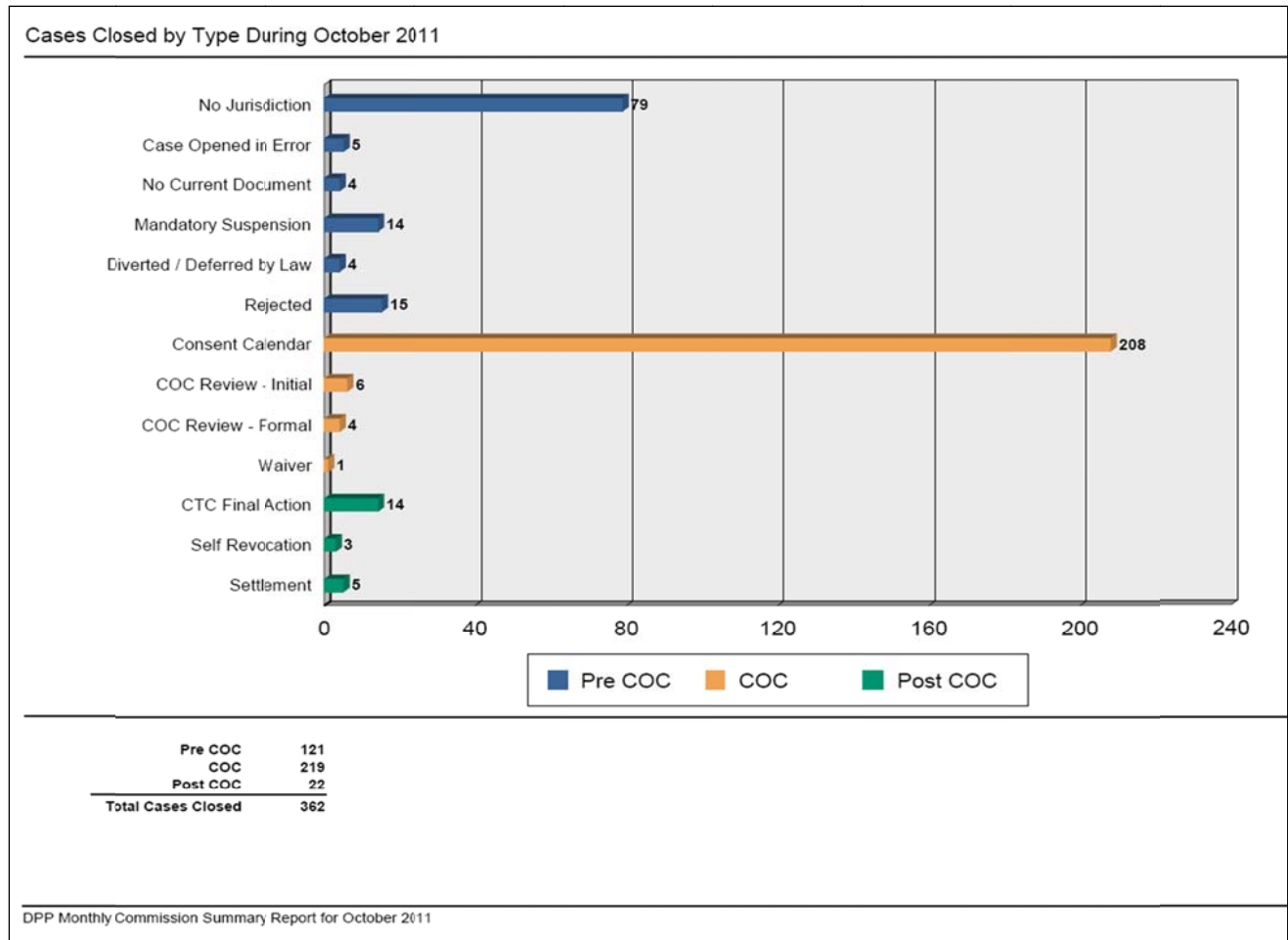


Chart 3 identifies the types of items that were closed throughout the month of October 2011. It is important to note that cases may be closed at any one of multiple steps in the discipline process and not all the cases that are closed were received in any one month.

**Chart 3:**



### Charts 4a and 4b: Case Aging Reports – October 2011

Two versions of the Case Aging Report are presented. Each provides information on the same cases but through a slightly different lens. Both reports provide information on:

- the number of cases and how many days the cases have been in the process (0-30, 31-180, 181-270, 271-360, 361-450, and 450+ days);
- the cases by status in relation to the Committee of Credentials (COC): Pre COC, at the COC, or post COC, and;
- the type of misconduct the educator has been accused or convicted of, categorized into one of the following seven groups:
  - Child Crime-Sexual
  - Child Crime-Non-Sexual
  - Adult-Sexual
  - Drugs
  - Serious Crimes/Felonies

- Alcohol
- Other Crimes/Misdemeanors

Where the two reports differ is that one reports on the case type while the other includes information on the license status of the individual. Chart 4a, on page 8, provides information on the type of case and this information is also found on DPP Monthly Summary report and the Cases Closed reports. The second report, Chart 4b, instead presents information organized by whether or not the individual currently holds a valid license to serve as an educator in California.

#### **4a: Open Case Aged by Case Status, Case Type, and Offense as of October 31, 2011**

This table, on page 8, is organized into three sections based on the work and its relation to the COC (Pre COC, at the COC, and Post COC). Within the work that has not yet gone to the COC, the information is organized into five types of cases:

- No Jurisdiction
- Potential Mandatory
- Diverted/Deferred by Law
- Potential Consent Calendar
- Potential Committee Case

For the cases that are at the COC or have completed the COC process, this report does not delineate among the case types.



Chart 4a:

### Open Cases Aged by Case Status, Case Type, and Offense as of October 31, 2011

| Status       | Case Type                  | Offense Code              | 0 - 90 Days | 91 - 180 Days | 181 - 270 Days | 271 - 360 Days | 361 - 450 Days | 450 + Days | Total        |
|--------------|----------------------------|---------------------------|-------------|---------------|----------------|----------------|----------------|------------|--------------|
| Pre COC      | No Jurisdiction            | Child Crime - Sexual      | 0           | 0             | 0              | 0              | 0              | 1          | 1            |
|              |                            | Child Crime - Non-sexual  | 0           | 3             | 0              | 0              | 0              | 0          | 3            |
|              |                            | Drugs                     | 0           | 1             | 1              | 0              | 0              | 1          | 3            |
|              |                            | Serious Crimes/Felonies   | 0           | 2             | 3              | 0              | 2              | 1          | 8            |
|              |                            | Alcohol                   | 2           | 0             | 4              | 0              | 0              | 1          | 7            |
|              |                            | Other Crimes/Misdemeanors | 7           | 9             | 8              | 1              | 1              | 1          | 27           |
|              |                            | <b>Total</b>              | <b>9</b>    | <b>15</b>     | <b>16</b>      | <b>1</b>       | <b>3</b>       | <b>5</b>   | <b>49</b>    |
|              | Potential Mandatory        | Child Crime - Sexual      | 19          | 11            | 12             | 8              | 9              | 26         | 85           |
|              |                            | Child Crime - Non-sexual  | 14          | 7             | 15             | 3              | 4              | 5          | 48           |
|              |                            | Adult - Sexual            | 9           | 3             | 3              | 0              | 1              | 2          | 18           |
|              |                            | Drugs                     | 24          | 12            | 6              | 6              | 3              | 12         | 63           |
|              |                            | Serious Crimes/Felonies   | 39          | 31            | 19             | 12             | 4              | 28         | 133          |
|              |                            | Alcohol                   | 8           | 7             | 0              | 0              | 0              | 1          | 16           |
|              |                            | Other Crimes/Misdemeanors | 1           | 0             | 0              | 1              | 0              | 1          | 3            |
|              |                            | <b>Total</b>              | <b>114</b>  | <b>71</b>     | <b>55</b>      | <b>30</b>      | <b>21</b>      | <b>75</b>  | <b>366</b>   |
|              | Diverted / Deferred by Law | Child Crime - Non-sexual  | 0           | 1             | 1              | 0              | 0              | 4          | 6            |
|              |                            | Drugs                     | 2           | 6             | 5              | 12             | 6              | 31         | 62           |
|              |                            | Serious Crimes/Felonies   | 2           | 3             | 4              | 3              | 3              | 10         | 25           |
|              |                            | Alcohol                   | 0           | 1             | 0              | 0              | 0              | 4          | 5            |
|              |                            | Other Crimes/Misdemeanors | 2           | 2             | 4              | 1              | 1              | 2          | 12           |
|              |                            | <b>Total</b>              | <b>6</b>    | <b>13</b>     | <b>14</b>      | <b>16</b>      | <b>10</b>      | <b>51</b>  | <b>110</b>   |
|              | Potential Consent Calendar | Child Crime - Non-sexual  | 3           | 1             | 0              | 0              | 0              | 0          | 4            |
|              |                            | Adult - Sexual            | 1           | 3             | 0              | 0              | 0              | 0          | 4            |
|              |                            | Drugs                     | 10          | 4             | 2              | 1              | 1              | 0          | 18           |
|              |                            | Serious Crimes/Felonies   | 32          | 22            | 10             | 4              | 1              | 4          | 73           |
|              |                            | Alcohol                   | 196         | 77            | 18             | 5              | 5              | 5          | 306          |
|              |                            | Other Crimes/Misdemeanors | 84          | 65            | 18             | 3              | 1              | 1          | 172          |
|              |                            | <b>Total</b>              | <b>326</b>  | <b>172</b>    | <b>48</b>      | <b>13</b>      | <b>8</b>       | <b>10</b>  | <b>577</b>   |
|              | Potential COC Case         | Child Crime - Sexual      | 0           | 2             | 1              | 1              | 2              | 1          | 7            |
|              |                            | Child Crime - Non-sexual  | 23          | 29            | 4              | 1              | 0              | 4          | 61           |
|              |                            | Adult - Sexual            | 4           | 4             | 4              | 2              | 2              | 2          | 18           |
|              |                            | Drugs                     | 19          | 9             | 6              | 2              | 5              | 7          | 48           |
|              |                            | Serious Crimes/Felonies   | 94          | 71            | 44             | 28             | 20             | 21         | 278          |
|              |                            | Alcohol                   | 54          | 84            | 49             | 29             | 18             | 29         | 263          |
|              |                            | Other Crimes/Misdemeanors | 99          | 78            | 33             | 39             | 10             | 4          | 263          |
|              |                            | <b>Total</b>              | <b>293</b>  | <b>277</b>    | <b>141</b>     | <b>102</b>     | <b>57</b>      | <b>68</b>  | <b>938</b>   |
|              | <b>Total</b>               |                           | <b>748</b>  | <b>548</b>    | <b>274</b>     | <b>162</b>     | <b>99</b>      | <b>209</b> | <b>2,040</b> |
| COC          | All Case Types             | All Offense Types         | 167         | 99            | 71             | 167            | 102            | 375        | 981          |
|              |                            | <b>Total</b>              | <b>167</b>  | <b>99</b>     | <b>71</b>      | <b>167</b>     | <b>102</b>     | <b>375</b> | <b>981</b>   |
|              | <b>Total</b>               |                           | <b>167</b>  | <b>99</b>     | <b>71</b>      | <b>167</b>     | <b>102</b>     | <b>375</b> | <b>981</b>   |
| Post COC     | All Case Types             | All Offense Types         | 8           | 2             | 3              | 5              | 12             | 323        | 353          |
|              |                            | <b>Total</b>              | <b>8</b>    | <b>2</b>      | <b>3</b>       | <b>5</b>       | <b>12</b>      | <b>323</b> | <b>353</b>   |
|              | <b>Total</b>               |                           | <b>8</b>    | <b>2</b>      | <b>3</b>       | <b>5</b>       | <b>12</b>      | <b>323</b> | <b>353</b>   |
| <b>Total</b> |                            |                           | <b>923</b>  | <b>649</b>    | <b>348</b>     | <b>334</b>     | <b>213</b>     | <b>907</b> | <b>3,374</b> |

#### **4b: Open Cases Aged by Case Status, Credential Status, and Offense as of October 31, 2011**

In this table, within each section of the work in relation to the COC (Pre COC, COC and Post COC) there are four sets of rows (4-7 rows) where information related to individuals in each of the following groups is presented:

- Individuals holding a current, valid credential and therefore the individuals could be in a classroom or working with students in the K-12 public schools.
- Individuals who held one or more California credentials but all credentials have been suspended by the Commission. Since all licenses are suspended, these individuals should not be working with public school students at this time.
- Individuals who do not hold a California credential, but have one or more applications pending. These individuals should not be working with public school students at this time.
- Individuals who do not hold any current, valid credential and have no applications pending. These individuals should not be working with public school students at this time.

Last month's agenda item noted concerns about the fourth group of cases in each section of Chart 4b. The individuals do not hold a current license as an educator in California and have no applications pending. Staff researched the issue and is bringing forward, as an action item, a proposed policy on expired credentials as part of the agenda this month.

Chart 4b:

### Open Cases Aged by Case Status, Case Type, and Offense as of October 31, 2011

| Status       | Case Type                  | Offense Code              | 0 - 90 Days | 91 - 180 Days | 181 - 270 Days | 271 - 360 Days | 361 - 450 Days | 450 + Days | Total        |
|--------------|----------------------------|---------------------------|-------------|---------------|----------------|----------------|----------------|------------|--------------|
| Pre COC      | No Jurisdiction            | Child Crime - Sexual      | 0           | 0             | 0              | 0              | 0              | 1          | 1            |
|              |                            | Child Crime - Non-sexual  | 0           | 3             | 0              | 0              | 0              | 0          | 3            |
|              |                            | Drugs                     | 0           | 1             | 1              | 0              | 0              | 1          | 3            |
|              |                            | Serious Crimes/Felonies   | 0           | 2             | 3              | 0              | 2              | 1          | 8            |
|              |                            | Alcohol                   | 2           | 0             | 4              | 0              | 0              | 1          | 7            |
|              |                            | Other Crimes/Misdemeanors | 7           | 9             | 8              | 1              | 1              | 1          | 27           |
|              |                            | <b>Total</b>              | <b>9</b>    | <b>15</b>     | <b>16</b>      | <b>1</b>       | <b>3</b>       | <b>5</b>   | <b>49</b>    |
|              | Potential Mandatory        | Child Crime - Sexual      | 19          | 11            | 12             | 8              | 9              | 26         | 85           |
|              |                            | Child Crime - Non-sexual  | 14          | 7             | 15             | 3              | 4              | 5          | 48           |
|              |                            | Adult - Sexual            | 9           | 3             | 3              | 0              | 1              | 2          | 18           |
|              |                            | Drugs                     | 24          | 12            | 6              | 6              | 3              | 12         | 63           |
|              |                            | Serious Crimes/Felonies   | 39          | 31            | 19             | 12             | 4              | 28         | 133          |
|              |                            | Alcohol                   | 8           | 7             | 0              | 0              | 0              | 1          | 16           |
|              |                            | Other Crimes/Misdemeanors | 1           | 0             | 0              | 1              | 0              | 1          | 3            |
|              |                            | <b>Total</b>              | <b>114</b>  | <b>71</b>     | <b>55</b>      | <b>30</b>      | <b>21</b>      | <b>75</b>  | <b>366</b>   |
|              | Diverted / Deferred by Law | Child Crime - Non-sexual  | 0           | 1             | 1              | 0              | 0              | 4          | 6            |
|              |                            | Drugs                     | 2           | 6             | 5              | 12             | 6              | 31         | 62           |
|              |                            | Serious Crimes/Felonies   | 2           | 3             | 4              | 3              | 3              | 10         | 25           |
|              |                            | Alcohol                   | 0           | 1             | 0              | 0              | 0              | 4          | 5            |
|              |                            | Other Crimes/Misdemeanors | 2           | 2             | 4              | 1              | 1              | 2          | 12           |
|              |                            | <b>Total</b>              | <b>6</b>    | <b>13</b>     | <b>14</b>      | <b>16</b>      | <b>10</b>      | <b>51</b>  | <b>110</b>   |
|              | Potential Consent Calendar | Child Crime - Non-sexual  | 3           | 1             | 0              | 0              | 0              | 0          | 4            |
|              |                            | Adult - Sexual            | 1           | 3             | 0              | 0              | 0              | 0          | 4            |
|              |                            | Drugs                     | 10          | 4             | 2              | 1              | 1              | 0          | 18           |
|              |                            | Serious Crimes/Felonies   | 32          | 22            | 10             | 4              | 1              | 4          | 73           |
|              |                            | Alcohol                   | 196         | 77            | 18             | 5              | 5              | 5          | 306          |
|              |                            | Other Crimes/Misdemeanors | 84          | 65            | 18             | 3              | 1              | 1          | 172          |
|              |                            | <b>Total</b>              | <b>326</b>  | <b>172</b>    | <b>48</b>      | <b>13</b>      | <b>8</b>       | <b>10</b>  | <b>577</b>   |
|              | Potential COC Case         | Child Crime - Sexual      | 0           | 2             | 1              | 1              | 2              | 1          | 7            |
|              |                            | Child Crime - Non-sexual  | 23          | 29            | 4              | 1              | 0              | 4          | 61           |
|              |                            | Adult - Sexual            | 4           | 4             | 4              | 2              | 2              | 2          | 18           |
|              |                            | Drugs                     | 19          | 9             | 6              | 2              | 5              | 7          | 48           |
|              |                            | Serious Crimes/Felonies   | 94          | 71            | 44             | 28             | 20             | 21         | 278          |
|              |                            | Alcohol                   | 54          | 84            | 49             | 29             | 18             | 29         | 263          |
|              |                            | Other Crimes/Misdemeanors | 99          | 78            | 33             | 39             | 10             | 4          | 263          |
|              |                            | <b>Total</b>              | <b>293</b>  | <b>277</b>    | <b>141</b>     | <b>102</b>     | <b>57</b>      | <b>68</b>  | <b>938</b>   |
|              | <b>Total</b>               |                           | <b>748</b>  | <b>548</b>    | <b>274</b>     | <b>162</b>     | <b>99</b>      | <b>209</b> | <b>2,040</b> |
| COC          | All Case Types             | All Offense Types         | 167         | 99            | 71             | 167            | 102            | 375        | 981          |
|              |                            | <b>Total</b>              | <b>167</b>  | <b>99</b>     | <b>71</b>      | <b>167</b>     | <b>102</b>     | <b>375</b> | <b>981</b>   |
| Post COC     | All Case Types             | All Offense Types         | 8           | 2             | 3              | 5              | 12             | 323        | 353          |
|              |                            | <b>Total</b>              | <b>8</b>    | <b>2</b>      | <b>3</b>       | <b>5</b>       | <b>12</b>      | <b>323</b> | <b>353</b>   |
|              | <b>Total</b>               |                           | <b>8</b>    | <b>2</b>      | <b>3</b>       | <b>5</b>       | <b>12</b>      | <b>323</b> | <b>353</b>   |
| <b>Total</b> |                            |                           | <b>923</b>  | <b>649</b>    | <b>348</b>     | <b>334</b>     | <b>213</b>     | <b>907</b> | <b>3,374</b> |

DPP Monthly Commission Summary Report for October 2011

## Open Cases Aged by Case Status, Credential Status, and Offense - as of October 31, 2011

| Case Status | Credential Status                  | Offense                   | 0 - 90 Days | 91 - 180 Days | 181 - 270 Days | 271 - 360 Days | 361 - 450 Days | 451 + Days | Total        |
|-------------|------------------------------------|---------------------------|-------------|---------------|----------------|----------------|----------------|------------|--------------|
| Pre COC     | Authorized                         | Child Crime - Sexual      | 9           | 1             | 2              | 0              | 2              | 2          | 16           |
|             |                                    | Child Crime - Non-sexual  | 32          | 29            | 14             | 3              | 3              | 9          | 90           |
|             |                                    | Adult - Sexual            | 10          | 8             | 5              | 1              | 2              | 1          | 27           |
|             |                                    | Drugs                     | 31          | 23            | 15             | 16             | 11             | 36         | 132          |
|             |                                    | Serious Crimes/Felonies   | 102         | 82            | 57             | 36             | 20             | 43         | 340          |
|             |                                    | Alcohol                   | 165         | 150           | 61             | 24             | 20             | 35         | 455          |
|             |                                    | Other Crimes/Misdemeanors | 128         | 123           | 50             | 34             | 11             | 5          | 351          |
|             |                                    | <b>Total</b>              | <b>477</b>  | <b>416</b>    | <b>204</b>     | <b>114</b>     | <b>69</b>      | <b>131</b> | <b>1,411</b> |
|             | Not Authorized - Docs Suspended    | Child Crime - Sexual      | 9           | 10            | 11             | 8              | 9              | 24         | 71           |
|             |                                    | Child Crime - Non-sexual  | 1           | 0             | 0              | 1              | 0              | 1          | 3            |
|             |                                    | Adult - Sexual            | 1           | 1             | 1              | 0              | 0              | 2          | 5            |
|             |                                    | Serious Crimes/Felonies   | 0           | 1             | 0              | 0              | 0              | 2          | 3            |
|             |                                    | Alcohol                   | 0           | 0             | 0              | 1              | 0              | 0          | 1            |
|             |                                    | Other Crimes/Misdemeanors | 1           | 0             | 0              | 0              | 0              | 0          | 1            |
|             |                                    | <b>Total</b>              | <b>12</b>   | <b>12</b>     | <b>12</b>      | <b>10</b>      | <b>9</b>       | <b>29</b>  | <b>84</b>    |
|             | Not Authorized - App(s) Pending    | Child Crime - Sexual      | 0           | 0             | 0              | 0              | 0              | 1          | 1            |
|             |                                    | Child Crime - Non-sexual  | 5           | 5             | 0              | 0              | 1              | 0          | 11           |
|             |                                    | Adult - Sexual            | 2           | 1             | 0              | 1              | 1              | 1          | 6            |
|             |                                    | Drugs                     | 20          | 5             | 3              | 1              | 2              | 1          | 32           |
|             |                                    | Serious Crimes/Felonies   | 57          | 31            | 11             | 3              | 3              | 4          | 109          |
|             |                                    | Alcohol                   | 87          | 12            | 2              | 3              | 1              | 1          | 106          |
|             |                                    | Other Crimes/Misdemeanors | 60          | 25            | 4              | 3              | 1              | 0          | 93           |
|             |                                    | <b>Total</b>              | <b>231</b>  | <b>79</b>     | <b>20</b>      | <b>11</b>      | <b>9</b>       | <b>8</b>   | <b>358</b>   |
|             | Not Authorized - No App(s) Pending | Child Crime - Sexual      | 1           | 2             | 0              | 1              | 0              | 1          | 5            |
|             |                                    | Child Crime - Non-sexual  | 2           | 7             | 6              | 0              | 0              | 3          | 18           |
|             |                                    | Adult - Sexual            | 1           | 0             | 1              | 0              | 0              | 0          | 2            |
|             |                                    | Drugs                     | 4           | 4             | 2              | 4              | 2              | 14         | 30           |
|             |                                    | Serious Crimes/Felonies   | 8           | 15            | 12             | 8              | 7              | 15         | 65           |
|             |                                    | Alcohol                   | 8           | 7             | 8              | 6              | 2              | 4          | 35           |
|             |                                    | Other Crimes/Misdemeanors | 4           | 6             | 9              | 8              | 1              | 4          | 32           |
|             |                                    | <b>Total</b>              | <b>28</b>   | <b>41</b>     | <b>38</b>      | <b>27</b>      | <b>12</b>      | <b>41</b>  | <b>187</b>   |
|             | <b>Total</b>                       |                           | <b>748</b>  | <b>548</b>    | <b>274</b>     | <b>162</b>     | <b>99</b>      | <b>209</b> | <b>2,040</b> |
| COC         | Authorized                         | Child Crime - Sexual      | 1           | 0             | 4              | 4              | 1              | 5          | 15           |
|             |                                    | Child Crime - Non-sexual  | 0           | 12            | 7              | 27             | 10             | 26         | 82           |
|             |                                    | Adult - Sexual            | 0           | 3             | 3              | 2              | 1              | 6          | 15           |
|             |                                    | Drugs                     | 0           | 1             | 1              | 3              | 6              | 11         | 22           |
|             |                                    | Serious Crimes/Felonies   | 4           | 6             | 14             | 15             | 13             | 73         | 125          |
|             |                                    | Alcohol                   | 89          | 22            | 7              | 26             | 18             | 93         | 255          |
|             |                                    | Other Crimes/Misdemeanors | 1           | 22            | 20             | 51             | 32             | 72         | 198          |
|             |                                    | <b>Total</b>              | <b>95</b>   | <b>66</b>     | <b>56</b>      | <b>128</b>     | <b>81</b>      | <b>286</b> | <b>712</b>   |
|             | Not Authorized - Docs Suspended    | Child Crime - Non-sexual  | 0           | 2             | 1              | 2              | 0              | 1          | 6            |
|             |                                    | Adult - Sexual            | 0           | 0             | 0              | 0              | 0              | 1          | 1            |
|             |                                    | Drugs                     | 0           | 0             | 0              | 0              | 0              | 1          | 1            |

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|          |                            |                           | 0 - 90<br>Days | 91 - 180<br>Days | 181 - 270<br>Days | 271 - 360<br>Days | 361 - 450<br>Days | 451 +<br>Days | Total |
|----------|----------------------------|---------------------------|----------------|------------------|-------------------|-------------------|-------------------|---------------|-------|
| Post COC | Not Authorized - No App(s) | Alcohol                   | 0              | 0                | 0                 | 0                 | 0                 | 6             | 6     |
|          | Pending                    | Other Crimes/Misdemeanors | 0              | 0                | 0                 | 0                 | 1                 | 11            | 12    |
|          |                            | Total                     | 0              | 0                | 0                 | 0                 | 1                 | 32            | 33    |
|          | Total                      |                           | 8              | 2                | 3                 | 5                 | 12                | 323           | 353   |
| Total    |                            |                           | 923            | 649              | 348               | 334               | 213               | 907           | 3,374 |

**Chart 5: Caseload of the Committee of Credentials**

This chart represents the types of cases reviewed by the COC in 2011, through October.

| Committee Review 2011 |         |         |         |                  |                      |       |
|-----------------------|---------|---------|---------|------------------|----------------------|-------|
|                       | Consent | Discuss | Initial | Formal           | Formal               | Total |
|                       |         |         |         | App <sup>1</sup> | Non APP <sup>2</sup> |       |
| January               |         |         | 51      | 18               | 33                   | 102   |
| February              |         |         | 52      | 15               | 28                   | 95    |
| March                 |         |         | 56      | 12               | 31                   | 99    |
| April                 |         |         | 63      | 14               | 30                   | 107   |
| May                   | 125     | 0       | 53      | 18               | 24                   | 220   |
| June                  | 283     | 28      | 65      | 15               | 39                   | 430   |
| July                  | 285     | 25      | 85      | 12               | 32                   | 439   |
| August                | 233     | 14      | 82      | 19               | 31                   | 379   |
| September             | 158     | 13      | 60      | 12               | 52                   | 295   |
| October               | 201     | 9       | 53      | 25               | 42                   | 330   |
|                       |         |         |         |                  |                      |       |
|                       |         |         |         |                  |                      |       |

**Next Steps**

Staff will continue to post the Monthly Activity Summary reports on the Commissioners' internal webpage each month. Staff will continue working to implement the State Auditor's recommendations and file required updates. The one year report to BSA will be due on April 7, 2012.

<sup>1</sup> "App" means the person chose to appear and testify before the Committee.

<sup>2</sup> "Non App" means the person chose not to appear before the Committee.

## Appendix

### Detailed Audit Tracking by Topic

**Recommendation 1.** To comply with the law and reduce unnecessary workload, the division should continue to notify the Department of Justice of individuals for whom it is no longer interested in receiving RAP sheets, so DOJ will no longer notify DPP of criminal activity for these individuals.

When people first apply for credential they must submit fingerprints. DOJ retains that information and submits arrest information to CTC when a credentialed person is arrested, aka subsequent arrest notification. As part of audit, the BSA recommended when a person no longer holds a credential, the Commission inform the DOJ that we are “No Longer Interested” (NLI) in receiving an arrest report. This would reduce time expended by DPP staff in dealing with arrest notices for persons without a credential.

Staff has determined how many people are currently in the CASE system (over 1,100,000 total individuals in the system) but have never held a license, or all licenses held have been expired for a minimum of 3 years (~300,000).

Beginning in March 2011, staff began returning RAPs to the DOJ. On June 21, 2011 staff confirmed with the DOJ that returning RAP information will remove the individual from the list. Staff began returning the names of individuals to the DOJ with a status of NLI on a manual basis, but a limited number have been returned to date.

In response to stakeholder input, staff presented an action item to the Commission at its October 2011 meeting with regulatory language to change from 3 years to an eighteen month time period, to notify the DOJ to no longer send subsequent RAPs for an individual, increasing our “No Longer Interested” number by an approximately 40,000.

Approximately 340,000 people in the database have not held a credential within 18 months. When the NLI process is automated, DOJ can accept up to 10,000 names a day. The Commission’s DPP staff and ETSS staff are working on this process. The system analysis and development are under way, but testing isn’t started as of November 2011. Testing will take place after mid-December when the CWIP project is launched and the Siebel database is unlocked. So to date, the automated system is well into the process of development, but not yet tested and implemented.

A review and analysis of the 340,000 persons show that a large percentage, perhaps up to half, submitted fingerprints to the DOJ on paper fingerprint cards. The DOJ informed the Commission that it has to manually enter the NLI notice into DOJ’s database if the fingerprints were submitted on paper cards. Therefore, the DOJ will only accept up to 100 notices a day. This limitation will slow the NLI process. For those with paper records at DOJ, staff plan to sort the records by date of birth and process the records starting from youngest and ending with the oldest person. The basis for that plan is that younger people are more frequently arrested than older people.

Commission staff believe the plan described above, when implemented, will fully address BSA Recommendation #1.

**Recommendation 2.** The commission should revise its strategic plan to identify the programmatic, organizational, and external challenges that face the division and the committee, and to determine the goals and actions necessary to accomplish its mission.

The Quarterly agenda presented to the Commission in December 2011, calls for a strategic plan for DPP to be presented to the Commission for discussion in January 2011.

Commission staff believe the plan described above, when implemented, will fully address BSA Recommendation #1.

**Recommendation 3.** To ensure that it can effectively process its workload in the future, the commission should collect the data needed to identify the staffing levels necessary to accommodate its workload.

The collection of workload data will be included in the strategic plan described in Recommendation 2. However, before workload data will be collected, DPP will be implementing BSA recommendations dealing with needed improvements to the database, including adequate oversight and monitoring. Since these recommendations will change processes, procedures, and number of documents received by DPP, the workload analysis will be completed after those recommendations are implemented.

If the workload analysis indicates that additional staff are needed or that changes are needed to the COC to insure workload moves effectively through the process, a Budget Change Proposal (BCP) may be necessary. BCP concepts are traditionally submitted to the Department of Finance in August each year.



**Recommendation 4.** The commission should seek a legal opinion from the attorney general to determine the legal authority and extent to which the committee may delegate to the division the discretionary authority to close investigations of alleged misconduct without committee review, and take all necessary steps to comply with the attorney general's advice.

**Recommendation Five.** Once the commission has received the attorney general's legal advice regarding the extent to which the committee may delegate case closures to the division, the commission should undertake all necessary procedural and statutory changes to increase the number of cases the committee can review each month.

The Commission requested a formal Attorney General Opinion in May 2, 2011 and confirmed that the request for an opinion has been received and assigned an opinion number 11-606. In the interim, effective May 1, 2011, the COC began reviewing a Consent Calendar of work evaluated by legal staff and takes action at each meeting on all cases rather than staff closing any cases.

At its June 22-23, 2011 meeting, the COC considered an additional calendar of cases that legal staff has identified as the type of case that might be closed at the Initial Review. Twenty-eight cases were presented in this "discuss calendar" in June and the COC decided to close or grant 19 of the cases. The remaining 9 cases will be scheduled for COC Initial Review. Summary disposition of such cases could result in the completion of approximately 100-150 additional cases a year. Below is a summary of the combined number of "Consent" and "Discuss" cases presented to the COC since May 2011:

- May: 125 cases
- June: 311 cases
- July: 310 cases
- August: 247 cases
- September: 171 cases
- October: 210 cases

On July 12, 2011 Staff presented information on the current educator discipline process in a Discipline Process Webinar, *California's Educator Discipline Process—Laws and Current Commission Procedures*.

At the August 4, 2011 Commission meeting, staff presented an update on the work to date to address the audit recommendations. In addition, staff presented an agenda item on the discipline process and proposed the development of stakeholder meetings to discuss the discipline process and provide recommendations on improving the discipline process. The Commission directed staff to move forward with the stakeholder meetings.

The Commission staff began work with policymakers, stakeholders and other interested parties to discuss the COC process and potential procedural and statutory solutions to increase the number of cases reviewed by the COC. Stakeholder meetings were held in October and November 2011 to discuss California's Educator Discipline process and possible recommendations from the stakeholder meetings will be presented to the Commission in January 2012.

**Recommendation Six:** The division should develop and formalize comprehensive written procedures to promote consistency in, and conformity with, management's policies and directives for reviews of reported misconduct.

A comprehensive Procedures Manual was developed by the Division and posted on the CTC intranet along with other DPP training materials (May 6, 2011). As procedures are fine-tuned or additional systems are developed, the Procedures Manual will be updated. All division staff completed initial training on the Procedures Manual (May 25, 2011). As new procedures or systems are put in place, additional training will be held.

**Recommendation Seven:** The division should provide training and oversight, and should take any other necessary steps, to ensure that the case information in the commission's database is complete, accurate, and consistently entered to allow for the retrieval of reliable case management information.

**Recommendation Eight:** To ensure that the division promptly and properly processes the receipt of all the various reports of educator misconduct it receives, such as RAP sheets, school reports, affidavits, and self disclosures of misconduct, it should develop and implement procedures to create a record of the receipt of these reports that it can use to account for them. In addition, the process should include oversight of the handling of these reports to ensure that case files for the reported misconduct are established in the commission's database to allow for tracking and accountability.

**Recommendation Nine:**

To adequately address the weaknesses in its processing of reports of misconduct, the division should revisit its management reports and its processes for overseeing the investigations of misconduct to ensure that the reports and practices provide adequate information to facilitate the following:

- Reduction of the time elapsed to perform critical steps in the review process.
- Adequate tracking of the reviews of reports of misconduct that may require mandatory action by the commission to ensure the timely revocation of the credentials for all individuals whose misconduct renders them unfit for the duties authorized by their credential.
- Prompt requests for information surrounding reports of misconduct from law enforcement agencies, the courts, schools, and knowledgeable individuals.
- An understanding of the reasons for delays in investigating individual reports of misconduct without having to review the paper files for the cases.

Recommendations 7, 8 and 9 all cover aspects of CTC's data system and its uses. Because these functions overlap, the responses to these recommendations are consolidated here.

All allegations of misconduct (RAP, employer report, affidavit and self-disclosure) are entered, including arrival date, into the SIEBEL system within 5 business days of arriving at the Commission.

Intake and Tracking screens have been developed within the SIEBEL (database) system and will serve as a monitoring process; management reports are being developed as part of the oversight process. Implementation of the screens began on August 9, 2011.

A comprehensive Procedures Manual was developed by the Division and posted on the CTC intranet along with other DPP training materials (May 6, 2011).

As procedures are fine-tuned or additional systems are developed, the Procedures Manual will be updated.

All division staff completed initial training on the Procedures Manual (May 25, 2011). As new procedures or systems are put in place, additional training will be held.

Staff has developed initial workload reports to gather the data necessary to understand the volume of work on a task by task basis. This includes the following reports:

- a. Monthly Activity Summary and Existing Inventory-Workload by status and type
- b. Cases Closed
- c. Case Aging Reports
- d. Cases Ready for Committee Report (developed and being refined to include additional information about types and severity of misconduct of the cases awaiting COC Review)

Division leadership analyzes the data collected including type of task, staff completing the task, and time to complete the task. Based on that analysis, management reviews current procedures and develops additional oversight procedures to monitor the implementation of the policies in the division (beginning in June 2011).

The Strategic Plan will be reviewed as a starting point for a revised effort no later than January 2012. The auditor's recommendations to identify programmatic, organizational, and external challenges will be integral to the review and revision of the Commission's Strategic Plan. The Quarterly agenda presented to the Commission in December 2011 calls for a strategic plan for DPP to be presented to the Commission for discussion in January 2011.

Stakeholder input will be critical as well. Stakeholder meetings took place in October and November 2011. An agenda item on those meetings will be presented to the CTC in January 2011.